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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
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CLERK U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
DEPUTY

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| **UNITED STATES OF AMERICA,** | ) | Magistrate Case No. '08 MJ 0920 |
| Plaintiff, | ) | |
| | ) | COMPLAINT FOR VIOLATION OF: |
| v. | ) | |
| | ) | Title 8, U.S.C., Section 1326; |
| **Tomas MENDEZ-Alvarez** | ) | Deported Alien Found in the |
| AKA: Aldo GUTIERREZ-Alva | ) | United States |
| Thomas Omar MENDEZ | ) | |
| Adrian ALDAMA | ) | |
| Thomas FERCO-Mendizabai | ) | |
| Defendant. | ) | |

The undersigned complainant, being duly sworn, states:

On or about **August 22, 2007,** within the Southern District of California, defendant **Tomas MENDEZ-Alvarez** (AKA: Aldo GUTIERREZ-Alva, Thomas Omar MENDEZ, Adrian ALDAMA, Thomas FERCO-Mendizabai), an alien, who had previously been excluded, deported and removed from the United States to Mexico, was found in the United States, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Deportation Officer
U.S. Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **25th** DAY OF **March 2008.**

UNITED STATES MAGISTRATE JUDGE

CEM

**PROBABLE CAUSE STATEMENT**

On August 22, 2007, at about 4:00pm, defendant Tomas MENDEZ-Alvarez, was arrested and identified as "Aldo GUTIERREZ-Alva" by Officers of the San Diego Police Department, San Diego, California, for various state violations and booked into county jail. While in the custody of county jail, an Immigration Agent conducted a field interview, determined the defendant to be a citizen of Mexico and placed an Immigration Hold (I-247) pending his release from jail.

On March 24, 2008 the defendant was referred to the custody of the United States Immigration and Customs Enforcement (ICE) Field Office in San Diego, California. An Immigration Officer conducted computer database record checks and reviewed various sources of information confirming the defendant to be a citizen of Mexico having been deported or removed from the United States on at least one occasion.

A thorough review of official immigration computer database record checks revealed that the defendant, Tomas MENDEZ-Alvarez (AKA: Aldo GUTIERREZ-Alva, Thomas Omar MENDEZ, Adrian ALDAMA, Thomas FERCO-Mendizabai), has been ordered removed from the United States by an Immigration Judge on or about February 13, 2006, and removed to Mexico, via the San Ysidro, California, Port of Entry on February 13, 2006. Record checks further indicate that the defendant has not applied to the Attorney General of the United States or the Secretary of the Department of Homeland Security for permission to re-enter the United States.

The Automated Biometric Fingerprint Identification System IDENT and Automated Fingerprint Identification System IAFIS were utilized and compared the defendant's fingerprints to those contained in these databases. The results confirmed the defendant's identity as Tomas MENDEZ-Alvarez (AKA: Aldo GUTIERREZ-Alva, Thomas Omar MENDEZ, Adrian ALDAMA, Thomas FERCO-Mendizabai), a citizen and national of Mexico.

All information indicates the defendant is a citizen of Mexico having been previously deported from the United States, and has illegally re-entered the United States after deportation, in violation of Tile 8 of the United States Code 1326, Deported Alien found in the United States.

Deportation Officer
Immigration & Customs Enforcement

UNITED STATES MAGISTRATE JUDGE